

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff,

v.

JERONIMO MADRIZ-REYNA,
Defendant.


No. CR 07-00004 CRB
C 10-01302 CRB

**ORDER DENYING REQUEST TO
FILE SUBSEQUENT 2255 PETITION**

On September 13, 2012, Defendant/Petitioner Madriz-Reyna requested permission from this Court to file a subsequent habeas petition. Dkt. 159. This would be Madriz-Reyna's third habeas petition. See Order Denying Motion to Vacate Judgment (dkt. 151) at 2. This Court lacks the authority to grant Madriz-Reyna's request, because Madriz-Reyna must receive permission to file a subsequent petition from the court of appeals. 28 U.S.C. § 2244(b)(3); see also 28 U.S.C. § 2255(h); United States v. Allen, 157 F.3d 661, 664 (9th Cir. 1998). Accordingly, Madriz-Reyna's request is DENIED.

IT IS SO ORDERED.

Dated: September 28, 2012


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE